

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MUHAMMAD SHABAZZ, formerly known
as DWAYNE STOREY,

Plaintiff,

v.

Civil Action Number:
9:02-CV-760
(FJS/DEP)

JOSEPH COSTELLO, Sup

Respondent.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

Muhammad Shabazz, Pro Se

FOR DEFENDANT:

HON. ELIOT SPITZER
Attorney General of the
State of New York
The Capitol
Albany, New York 12224-

MEGAN M. BROWN, ESQ.
Assistant Attorney General

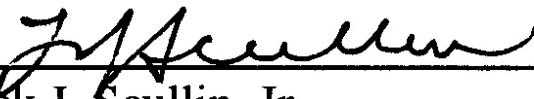
FREDERICK J. SCULLIN, JR., CHIEF D.J.:

ORDER

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge David E. Peebles filed May 9, 2005, and having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said

Report-Recommendation having been filed, it is hereby
ORDERED, that the Report-Recommendation of Magistrate Judge
David E. Peebles filed May 9, 2005 is **ACCEPTED** in its entirety
for the reasons stated therein, and it is further
ORDERED, that defendants' motion for summary judgment is
GRANTED and that plaintiff's complaint is **DISMISSED** in its
entirety, and it is further
ORDERED, that the Clerk of the Court is to enter judgment in
favor of Defendants and close this case.
IT IS SO ORDERED.

DATED: June 29, 2005
Syracuse, New York



Frederick J. Scullin, Jr.
Chief United States District Court Judge